

REMARKS

The Office Action dated August 17, 2004, included the following rejections, objections, and comments:

1. Claims 1-5, 11-18, and 24-26 were rejected under 35 USC § 102(e) as being anticipated by US 6,768,086 (Sullivan).
2. Claims 6 and 19 were rejected under 35 USC § 103(a) as being unpatentable over Sullivan as applied to Claim 1 above, and further in view of US 6,713,733 (Kochman).
3. Claims 7-10 and 20-23 were rejected under 35 USC § 103(a) as being unpatentable over Sullivan.

In response to these rejections, objections, and comments, and in view of the above Amendments, Applicant provides the following Remarks:

Enclosed herewith is a Declaration of Prior Invention Under 37 USC § 1.131 by Inventor Alfred DeAngelis. The Declaration includes a letter sent in confidence by Mr. DeAngelis to Mark Sullivan, which was sent prior to the effective date of the Sullivan reference. The letter has sufficient description of the prior invention that the invention had been reduced to practice.

In particular, the letter describes a fabric-based heated blanket which combines conductive heating yarns with separate sensor yarns that are a PTC type temperature dependent variable resistant yarn, and where the PTC yarns are inserted transverse to the heating yarns (see introduction paragraphs, and numbered paragraphs 1, 2, and 3). The letter also describes using a PTC heating yarn which would be laid in with the multitude of transverse bus yarns. The PTC sensing yarns are also described as being disposed with bus yarns (see number paragraph 3).

Applicant respectfully submits that the present inventors had reduced the present invention to practice prior to the effective of the Sullivan reference of January 8, 2004. Therefore, Applicant respectfully submit that the Sullivan reference is not available as a prior art reference to the present invention. Therefore, Applicant respectfully submits that the claimed invention is patentable over the available prior art.